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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,639	03/21/2001	Frank van Diggelen	GLBL/006	2896

7590 01/08/2004

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EXAMINER

OMARY, NAWARA T

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/813,639

Applicant(s)

DIGGELEN, FRANK VAN

Examiner

Nawara T. Omary

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-11, 13, 17-20, 25, 27, 31-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Yehezkel (Patent #6,049,711).

In regard to Claims 1, 17 and 31, Ben-Yehezkel discloses a method and apparatus for providing location-based information for a wireless device, the method comprising: receiving a message from said wireless device via a wireless network; determining whether the received message contains a request for location-based information; determining the location of said wireless device using said wireless network if the received message is determined to contain the request; retrieving location-based information related to the determined location; and transmitting the location-based information to said wireless device via said wireless network (Abstract)(Figs. 1&3)(C2, L.43-67)(C3, L.1-5, L.24-26)(C7, L.13-67)(C8, L.1-30).

In regard to Claims 2, 19 and 32, Ben-Yehezkel further discloses the method verifying a user of the wireless device prior to retrieving location-based information to said wireless device (C8, L.30-39).

In regard to Claim 3, Ben-Yehezkel also discloses the method of verifying in which it comprises determining whether the user of said wireless device is listed in a user database (C8, L.9-24).

In regard to Claims 4 and 34, Ben-Yehezkel further discloses that said location-based information comprises a location of at least one entity within a region containing of said wireless device (C7, L.63-67)(C8, L.12-14).

In regard to Claims 5 and 43, Ben-Yehezkel discloses the method of claim 4 wherein said location-based information comprises the location of at least one of gas stations, hotels, cinema, automobile repair facilities, department stores and emergency services (C7, L.67)(C8, L.1-5).

In regard to Claim 7, Ben-Yehezkel discloses the method of claim 1 wherein said determining of the received message comprises: identifying whether the received message contains a predefined character string; and determining the received

message as a request for location-based information if the pre-defined character string is identified in the received message (C2, L.43-65).

In regard to Claim 8, Ben-Yehezkel discloses that the pre-defined character string is located in at least one of a header, a TO: field, a CC: field, or a body of the received message. Wherein the examiner interprets the usage of the term "information content" to be equivalent to the term of "body of the received message".

In regard to Claim 9, Ben-Yehezkel also discloses that the pre-defined character string is in one of a text format and a binary format (C5, L.51-56)(Fig. 2, item 155).

In regard to Claim 10, Ben-Yehezkel discloses the method of claim 1 wherein the determining of the received message is automatically identified as a request for location-based information (C4, L6-9).

In regard to Claim 11, Ben-Yehezkel further discloses that determining the location comprises: obtaining the location of said wireless device as determined by a wireless communications system of said wireless network (Fig. 2, item 128)(C5, L.14-26).

In regard to Claims 13 and 27, Ben-Yehezkel discloses the method of determining the location comprises: determining the location using at least one of time of arrival information, field strength values and global positioning system information. Wherein the geocoder referenced by Ben-Yehezkel reflects the claimed global positioning system information in terms of latitude and longitude (C5, L.59-67)(C6, L.1-2).

In regard to Claims 18 and 35, Ben-Yehezkel discloses in his system that a received message is provided from at least one of a wireless network, an internet, and a Plain Old Telephone System (POTS) (C2, L.60-67)(C3, L.1-5).

In regard to Claims 20 and 33, Ben-Yehezkel discloses in his method and apparatus that the location-based information comprises a map of the location of said wireless device retrieved via the CPU or the processor of the system (C5, L.57\_67)(C6, L.1-28)(Fig. 2, items 150, 160 and 164).

In regard to Claim 25, Ben-Yehezkel discloses a method wherein determining the location comprises: transmitting a query signal to said wireless device, where said query signal causes said wireless device to respond with a response signal; and receiving said response signal from said wireless device, where said

response signal is configured to include the location of said wireless device (C2, L.43-67)(C3, L.1-5)(C4, L6-9) (Fig.1, items 134 and 128)(C5, L.14-26).

In regard to Claims 36 and 37, Ben-Yehezkel discloses the apparatus to configure a replay or a forward message containing location-based information retrieved from a map database and a data retrieval system (C2, L.37-65)(Fig. 2)(C10, L.11-24, L.34-41).

In regard to Claim 38, Ben-Yehezkel discloses in his system that a wireless device comprises at least one of a two-way pager, a personal digital assistant (PDA) and a cellular telephone (Fig. 1, items 118, 124).

In regard to Claim 39, Ben-Yehezkel discloses the apparatus' processor to be able to utilize a digital data interface such as the Transmission Control Protocol/Internet Protocol (TCP/IP) interface. Wherein the examiner acknowledges the TCP/IP interface to be one of data interface (C6, L.53-67)

In regard to Claim 40, Ben-Yehezkel discloses a wireless communications system controller, coupled to said support circuit, for determining the location of said wireless device (C5, L.37-43).

In regard to Claim 41, Ben-Yehezkel discloses the apparatus to include a request message to be from a wireless device (C2, L.43-46)(C4, L.59-64)(Fig. 1, 118 or 122 or 124).

In regard to Claim 42, Ben-Yehezkel discloses the request message is sent from a message sending device to request a map containing the location of wireless device (C2, L. 43-65)(4, L.38-33).

In regard to Claim 44, Ben-Yehezkel discloses the location-base information comprises a map of an area surrounding the wireless device (C.5, L.57-67)(C6, L.1-27).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel (Patent #6,049,711) in view of Holland (Patent #6,321,091).



In regard to Claims 6 and 21-24, Ben-Yehezkel discloses a method and apparatus for providing location-based information for a wireless device wherein it comprises receiving a message from said wireless device via a wireless network; determining whether the received message contains a request for location-based information and determining the location of said wireless device using said wireless network. However, Ben-Yehezkel does not disclose that a received message (or signal) would comprise an electronic mail message. Holland teaches in his method the received message or signal to include an email message (C3, L.34-50)(C8, L.50-54)(the examiner interprets a received signal to include a received message). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Holland on Ben-Yehezkel in order to provide better subscriber tracking.

In regard to Claim 22, Ben-Yehezkel discloses the method of claim 1 wherein said determining of the received message comprises: identifying whether the received message contains a predefined character string; and determining the received message as a request for location-based information if the pre-defined character string is identified in the received message (C2, L.43-65).

In regard to Claim 23, Ben-Yehezkel further discloses that the pre-defined character string is located in at least one of a header, a TO: field, a CC: field, or a body of the received message. Wherein the examiner interprets the usage of the

term "information content" to be equivalent to the term of "body of the received message".

In regard to Claim 24, Ben-Yehezkel also discloses that the pre-defined character string is in one of a text format and a binary format (C5, L.51-56)(Fig. 2, item 155).

5. Claims 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel (Patent #6,049,711) in view of Fattouche (Patent #5,890,068).

In regard to Claims 12 and 26 Ben-Yehezkel discloses a general method of location determination (C2, L.8-65). However, Ben-Yehezkel does not disclose explicitly that the method comprises of determining the location of a communications tower previously receiving a wireless signal from said wireless device. Fattouch teaches in his modified system to include measuring location by allowing a location acquisition station (or a communication tower) to receive radio signals to obtain arrival estimation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Fattouche on Ben-Yehezkel in order to provide a better signal determination.

6. Claims 14-16 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Yehezkel (Patent #6,049,711) in view of Kennedy (Patent #5,317,323).

In regard to Claims 14 and 28, Ben-Yehezkel discloses the method of determining the location comprises: determining the location of communications towers previously receiving a wireless signal from said wireless device (Abstract)(C2, L.43-65). However, Ben-Yehezkel does not specify that such calculation would be of at least two towers. Also, he does not disclose explicitly that calculating the location of said wireless device from the locations of the least two communications towers. Kennedy explicitly teaches in his system the method of location calculation utilizing at least two radios or communication towers (C3, L.15-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Kennedy on Ben-Yehezkel in order to provide a better accuracy.

In regard to Claims 15, 16, 29 and 30, Kennedy further teaches that the calculating comprises: averaging the location of the at least two communications towers and determining the maximum likelihood. Wherein the examiner interprets the process of averaging is a form of calculation (C3, L.8-14). Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to follow Kennedy on Ben-Yehezkel in order to provide a better location determination.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nawara T. Omary whose telephone number is 703.305.6311. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703.308.5318. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Nawara T. Omary



January 2, 2004



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